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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC.; a Colorado corporation; ORACLE AMERICA, INC.; a Delaware corporation; and ORACLE INTERNATIONAL CORPORATION, a California corporation,
 	
             Plaintiffs,
      v.
 	
RIMINI STREET, INC., a Nevada corporation; and SETH RAVIN, an individual,
 	
             Defendants.
	Case No. 2:10-cv-0106-LRH-VCF
	
	DECLARATION OF JOHN A. POLITO IN SUPPORT OF ORACLE'S MOTION FOR ORDER TO SHOW CAUSE WHY RIMINI STREET, INC. SHOULD NOT BE HELD IN CONTEMPT

I, John A. Polito, declare as follows:

1.   I am an attorney admitted to practice law in the State of California and before the Court in this action *pro hac vice*. I am a partner with Morgan, Lewis & Bockius LLP, counsel of record for Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (together, "Oracle" or "Plaintiffs") in this action. I submit this declaration in support of Oracle's Motion for Order to Show Cause Why Rimini Street, Inc. Should Not Be Held in Contempt. I have personal knowledge of the facts set forth in this declaration and would competently testify to them if called upon to do so.

2.   The Exhibits referenced below are all attached to the Appendix of Exhibits Supporting Oracle's Motion for Order to Show Cause Why Rimini Street, Inc. Should Not Be Held in Contempt. These Exhibits are all true and correct copies of pages or excerpts from final deposition transcripts, or from exhibits used in depositions, or from documents produced by the parties or a third party, or from written discovery to or from Defendant Rimini Street, Inc. ("Rimini"). To minimize the bulk, for ease of use, and to the extent possible without losing context, only the relevant pages and information are included in these Exhibits.

3.   Attached to the Appendix as **Exhibit 6** is a true and correct copy of transcript excerpts from the January 17, 2020 Rule 30(b)(6) Deposition of Craig Mackereth ("Mackereth Rule 30(b)(6) Depo.")

4.   Attached to the Appendix as **Exhibit 7** is a true and correct copy of Oracle Deposition Exhibit 1833, which was introduced during the January 17, 2020 Rule 30(b)(6) Deposition of Craig Mackereth.

5.   Attached to the Appendix as **Exhibit 8** is a true and correct copy of Oracle Deposition Exhibit 1837, which was introduced during the January 17, 2020 Rule 30(b)(6) Deposition of Craig Mackereth.

6.   Attached to the Appendix as **Exhibit 9** is a true and correct copy of excerpts of Oracle Deposition Exhibit 1840, which was introduced during the January 17, 2020 Rule 30(b)(6) Deposition of Craig Mackereth.

7.   Attached to the Appendix as **Exhibit 10** is a true and correct copy of excerpts of

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1   Oracle Deposition Exhibit 1841, which was introduced during the January 17, 2020 Rule 30(b)(6)

2   Deposition of Craig Mackereth.

3   8.   Attached to the Appendix as **Exhibit 11** is a true and correct copy of excerpts of

4   Oracle Deposition Exhibit 1852, which was introduced during the January 17, 2020 Rule 30(b)(6)

5   Deposition of Craig Mackereth.

6   9.   Attached to the Appendix as **Exhibit 12** is a true and correct copy of excerpts from

7   Rimini's Jira entry PUSP-14966, produced in this litigation as ORCLRSJIRA00000376.

8   10.   Attached to the Appendix as **Exhibit 13** is a true and correct copy of excerpts from

9   Rimini's Jira entry PUSP-15200, produced in this litigation as ORCLRSJIRA00000400.

10   11.   Attached to the Appendix as **Exhibit 14** is a true and correct copy of excerpts from

11   Rimini's Jira entry PUSP-16095, produced in this litigation as ORCLRSJIRA00000121.

12   12.   Attached to the Appendix as **Exhibit 15** is a true and correct copy of excerpts from

13   Rimini's Jira entry PUSP-16643, produced in this litigation as ORCLRSJIRA00000460.

14   13.   Attached to the Appendix as **Exhibit 16** is a true and correct copy of a document

15   Rimini produced to Oracle as part of discovery in this action as RSI007899901 and titled

16   ███████████████████████

17   14.   Attached to the Appendix as **Exhibit 17** is a true and correct copy of excerpts of a

18   document Rimini produced to Oracle as part of discovery in this action as RSI007042001.

19   15.   Attached to the Appendix as **Exhibit 18** is a true and correct copy of excerpts of a

20   document Rimini produced to Oracle as part of discovery in this action as RSI006913538 and

21   titled "HCM200394 Dev Instructions_88.txt."

22   16.   Attached to the Appendix as **Exhibit 19** is a true and correct copy of excerpts of a

23   document Rimini produced to Oracle as part of discovery in this action as RSI006952588 and

24   titled "RS19AUS02 Dev Instructions.txt."

25   17.   Attached to the Appendix as **Exhibit 20** is a true and correct copy of excerpts of a

26   document Rimini produced to Oracle as part of discovery in this action as RSI007421994.

27   18.   Attached to the Appendix as **Exhibit 21** is a true and correct copy of excerpts of a

28   document Rimini produced to Oracle as part of discovery in this action as RSI007330441.

DECLARATION OF JOHN A. POLITO IN SUPPORT OF
ORACLE'S MOTION FOR ORDER TO SHOW CAUSE

19.   Attached to the Appendix as **Exhibit 22** is a true and correct copy of excerpts from the transcript of the February 28, 2018 Rule 30(b)(6) Deposition of TierPoint (Denny Heaberlin) ("Heaberlin Depo.") taken during the *Rimini II* litigation.

20.   Attached to the Appendix as **Exhibit 23** is a true and correct copy of excerpts from the transcript of the October 17, 2019 Rule 30(b)(6) Deposition of TierPoint (Jeff Russell Waide) ("Waide Depo.").

21.   Attached to the Appendix as **Exhibit 24** is a true and correct copy of Oracle Deposition Exhibit 2213, which was introduced during the February 28, 2018 Rule 30(b)(6) Deposition of TierPoint (Denny Heaberlin) during the *Rimini II* litigation.

22.   Attached to the Appendix as **Exhibit 25** is a true and correct copy of Oracle Deposition Exhibit 2231, which was introduced during the February 28, 2018 Rule 30(b)(6) Deposition of TierPoint (Denny Heaberlin) during the *Rimini II* litigation.

23.   Attached to the Appendix as **Exhibit 26** is a true and correct copy of a document Rimini produced to Oracle as part of discovery in the *Rimini II* action as RSI2_022009236.

24.   Attached to the Appendix as **Exhibit 27** is a true and correct copy of excerpts from Rimini's December 27, 2019 Second Supplemental Response to Oracle's Supplemental Interrogatory No. 3 and Third Supplemental Response to Supplemental Interrogatory No. 4.

25.   Attached to the Appendix as **Exhibit 28** is a true and correct copy of excerpts from Rimini's Exhibit A-1 to its December 27, 2019 Second Supplemental Response to Oracle's Supplemental Interrogatory No. 3.

26.   Attached to the Appendix as **Exhibit 29** is a true and correct copy of excerpts from Rimini's Exhibit B-1 to its December 27, 2019 Third Supplemental Response to Supplemental Interrogatory No. 4.

27.   Attached to the Appendix as **Exhibit 30** is a true and correct copy of excerpts from the transcript of the December 1, 2016 Rule 30(b)(6) deposition of Easter Seals (Michael Bonfanti) ("Bonfanti Depo."), taken during the *Rimini II* litigation.

28.   Attached to the Appendix as **Exhibit 31** is a true and correct copy of excerpts from the transcript of the September 20, 2019 Rule 30(b)(6) deposition of Easter Seals (Jay Hoyt)

DECLARATION OF JOHN A. POLITO IN SUPPORT OF
ORACLE'S MOTION FOR ORDER TO SHOW CAUSE

1 ("Hoyt Depo.").

2   29.   Attached to the Appendix as **Exhibit 32** is a true and correct copy of excerpts of

3 Oracle Deposition Exhibit 1809, which was introduced during the September 20, 2019 Rule

4 30(b)(6) deposition of Easter Seals (Jay Hoyt). This document was also introduced during the

5 December 1, 2016 Rule 30(b)(6) deposition of Easter Seals (Michael Bonfanti) in the *Rimini II*

6 action as Oracle Deposition Exhibit 121.

7   30.   Attached to the Appendix as **Exhibit 33** is a true and correct copy of excerpts of a

8 document produced in this action from third-party ███████████████, and Bates

9 numbered as ████████████-SUB00000048.

10   31.   Attached to the Appendix as **Exhibit 34** is a true and correct copy of a document

11 produced in this action from third-party Easter Seals, and Bates numbered as ESNHI3-

12 SUB00000208.

13   32.   Attached to the Appendix as **Exhibit 35** is a true and correct copy of excerpts of a

14 document Oracle produced to Rimini as part of discovery in this action as ORCLRS1360223.

15   33.   Attached to the Appendix as **Exhibit 36** is a true and correct copy of a document

16 Rimini produced to Oracle as part of discovery in this action as RSI007038524.

17   34.   Attached to the Appendix as **Exhibit 37** is a true and correct copy of a document

18 Rimini produced to Oracle as part of discovery in this action as RSI007142189.

19   35.   Attached to the Appendix as **Exhibit 38** is a true and correct copy of excerpts of a

20 document Rimini produced to Oracle as part of discovery in this action as RSI007899877 and

21 titled ████████████████████

22   36.   Attached to the Appendix as **Exhibit 39** is a true and correct copy of excerpts from

23 the transcript of the June 24, 2020 Deposition of Stephen Lanchak.

24   37.   Attached to the Appendix as **Exhibit 40** is a true and correct copy of excerpts from

25 the March 13, 2020 Rebuttal Expert Report of Professor Owen Astrachan.

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1   I declare under penalty of perjury under the laws of the United States that the foregoing is

2   true and correct.

3   Executed July 10, 2020 at Berkeley, California.

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5   DATED: July 10, 2020   MORGAN, LEWIS & BOCKIUS LLP

6
                                            By: _____*/s/ John A. Polito*_____
7   John A. Polito

8   Attorneys for Plaintiffs Oracle USA, Inc.,
                                            Oracle America, Inc., and Oracle
9   International Corporation

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DECLARATION OF JOHN A. POLITO IN SUPPORT OF
ORACLE'S MOTION FOR ORDER TO SHOW CAUSE

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<u>CERTIFICATE OF SERVICE</u>

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I hereby certify that on the 10th day of July 2020, I electronically transmitted the

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foregoing **DECLARATION OF JOHN A. POLITO IN SUPPORT OF ORACLE'S**

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MOTION FOR ORDER TO SHOW CAUSE WHY RIMINI STREET, INC. SHOULD

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NOT BE HELD IN CONTEMPT to the Clerk's Office using the CM/ECF System for filing and

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transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being

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registered to receive Electronic Filing.

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DATED: July 10, 2020   MORGAN, LEWIS & BOCKIUS LLP

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By: _____*/s/ John A. Polito*_____

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John A. Polito

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Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle America, Inc., and Oracle International

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Corporation

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CERTIFICATE OF SERVICE